S.B. Criminal Misc. Bail Application No.2900/2006

Date : 14.07.2006.

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. H.S.S. Kharlia for the applicants.
Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

Learned counsel for the applicants that it is very unfortunate that allegation has been made against accused applicant No.1 for causing death of his father with the help of applicant No.2. According to learned counsel, in this case after investigation, charge-sheet was filed and on the basis of extra judicial confession of the accused before her real sister PW1 Kulvinder Kaur, they have been made accused in the case, however, she has not supported the prosecution story. He further submits that prosecution case is based on circumstances evidence and on certain recoveries on the basis

of disclosure statements made by the accused applicants, however, witnesses in that connection turned hostile. In last, he submits that accused applicants are in jail since long, therefore, they may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application and submitted that in such heinous offence the accused applicants should not be granted bail.

I have considered the submissions made before me and carefully perused the statement of PW1 Kulvinder Kaur and other material available on record.

Taking into consideration the overall facts and circumstances of the present case, without expressing any opinion on the evidence uptil now recorded by the trial court, I deem it just and proper to enlarge the accused applicants on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant (1) Sukhdeo Singh son of Harbans Singh and (2) Jagga alias Jagjeet Singh son of Surat Singh shall be released on bail in FIR No.162/2005 P.S. Keshrisinghpur, provided each of them executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.